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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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6 **HAMBRECHT WINE GROUP, L.P. d/b/a**)
7 **BELVEDERE WINERY, L.P.**)
8 Plaintiff,)
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) **CASE NO. CV C 05 4625 JW HRL**
) **STIPULATION AND ORDER**
) **SELECTING ADR PROCESS**

I. ADR PROCESS

The parties hereby stipulate to participate in the ADR process checked below (*select one court-connected or private process*).

Court-connected ADR processes:

- Arbitration
 - Non-binding
 - Binding
- Early Neutral Evaluation (ENE)
- Early Settlement Conference with a Magistrate Judge
- Mediation

Private ADR process:

Type of Process: Private Mediation

Name, address and phone number of private provider:

The parties intend to use a mutually agreeable neutral from JAMS or comparable private provider to conduct a mediation after necessary discovery is completed.

1 II. **TIMING FOR ADR PROCESS**

2 **Cases in ENE or Mediation (or similar private process):**

3 The parties shall conduct the ADR session by _____ (no later than
4 90 days after the date set for the first Case Management Conference unless otherwise
ordered under General Order 36, § VII.D.)

5 **Cases in Arbitration (court-connected or private):**

6 The parties shall conduct the Arbitration by _____ (no later than 135 days
7 after the date set for the first Case Management Conference unless otherwise ordered --
the clerk will send the parties a list of arbitrators for ranking within 10 days after the
Case Management Conference.)

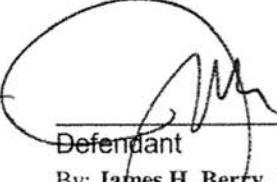
9 III. **OTHER STIPULATIONS** (e.g. regarding additional disclosures and/or discovery
10 before the ADR session, issues to be addressed in ADR session, etc.)

11 The parties agree that due to the nature of this trademark and contract action, substantial
12 additional discovery (including depositions of multiple party-affiliated and third-party witnesses
and additional document and written discovery) must be completed before it will be possible to
13 conduct a meaningful mediation. The parties will schedule a mediation to take place upon
completion of required pre-mediation discovery.

17 Dated: April 28, 2006

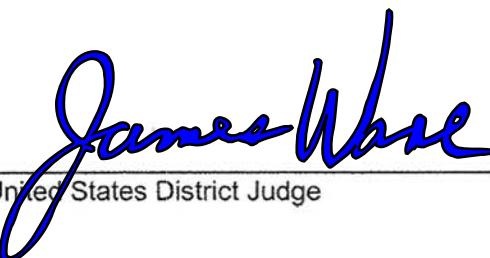
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19 Plaintiff
20 By: Erik Paul Belt of Bromberg & Sunstein LLP

17 Dated: April 28, 2006

18 
19 Defendant
20 By: James H. Berry, Jr. of Berry & Perkins APC

23 IT IS SO ORDERED.

25 Dated: 05/03/06

26 
27 United States District Judge
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